

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

### **I. DISPUTE**

1. a. Whether there should be additional reimbursement for date of service, 2-8-01.
- b. The request was received on 2-7-02.

### **II. EXHIBITS**

1. Requestor, Exhibit I:
  - a. TWCC 60
  - b. UB-92
  - c. EOBs
  - d. Based on Commission Rule 133.307 (g) (4), the Division notified the Requestor of the Requestor's requirement to submit two copies of additional documentation relevant to the fee dispute on 6-11-02. There is no response from the Requestor in noted in the dispute packet.
  - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.

2. Respondent, Exhibit II:

There is not a carrier sign sheet submitted with the dispute packet. However, the Commission notified the Requestor with a copy to the insurance carrier Austin Representative of the Requestor's requirement to submit two copies of additional documentation relevant to the fee dispute on 6-11-02. The Carrier submitted a response on 7-18-02.

### **III. PARTIES' POSITIONS**

1. Requestor: No position statement.
2. Respondent: Letter dated 7-17-02:

"There is no MAR for outpatient ASC services...The requestor believes it should be paid more because other carriers are paying either 100% or some percentage of its billed charges...(Respondent's) payment is consistent with the fair and reasonable criteria established in Section 413.011(b)..."

#### IV. FINDINGS

1. Based on Commission Rule 133.307(d) (1) (2), the only date of service eligible for review is 2-8-01.
2. This decision is being written based on the documentation that was in the file at the time it was assigned to this Medical Dispute Resolution Officer.
3. Per the Requestor's Table of Disputed Services, the Requestor billed the Carrier \$6,281.55.
4. Per the Requestor's Table of Disputed Services, the Carrier paid the Requestor \$-0-.
5. The TWCC 60 indicates that the amount in dispute is \$5,828.75.
6. The Carrier has indicated in their position statement dated 7-17-02 that they have paid \$397.80 for the date in dispute. However, there was no EOB submitted by either party that confirms this payment.

#### V. RATIONALE

Medical Review Division's rationale:

The Requestor has submitted UB-92s for ambulatory surgical services for date of service 2-8-01. The bill in dispute is broken down into operating room services, iv therapy, supplies, recovery room charges, etc. However, the total is considered the facility fees (what the facility charged for providing the facility, equipment and supplies in order for the surgical procedure to be done).

The carrier has denied the charges in dispute as "APPL-O THE (CARRIER) PREVIOUSLY PROCESSED THIS BILL. BASED ON THE INFORMATION AVAILABLE THE ORIGINAL AUDIT DECISION REMAINS THE SAME. IF YOU WISH FOR THE (CARRIER) TO RECONSIDER THIS BILLING. PLEASE SUBMIT AS AN APPEAL." The Medical Review Division's decision is rendered based on denial codes submitted to the Provider prior to the date of this dispute being filed.

When determining whether or not additional reimbursement is warranted, the Medical Review Division must first determine that the services were rendered as billed. After review of the dispute file, no documentation was noted to support the services billed. **No** reimbursement is recommended.

MDR: M4-02-2579-01

The above Findings and Decision are hereby issued this 19<sup>th</sup> day of August 2002.

Lesa Lenart, RN  
Medical Dispute Resolution Officer  
Medical Review Division

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